

1 MELINDA HAAG (CABN 132612)  
2 United States Attorney

**FILED**

OCT 12 2010

RICHARD W. WIENING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11  
12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 MING SHAO,

16 Defendant.

**CR 10 00748**

**JF**  
VIOLATION: 18 U.S.C. § 1030 (a)(2) –  
Computer Intrusion.

17  
18 INFORMATION

19 The United States Attorney charges:

20 BACKGROUND

21 At all times relevant to this Information:

22 1. The Defendant, MING SHAO ("SHAO"), was an individual residing in  
23 Cupertino, California.

24 2. PanTerra Networks, Inc., ("PanTerra") was a corporation registered with the State  
25 of California and headquartered in Sunnyvale, California. PanTerra was in the business of  
26 providing communications services to business customers.

27 3. SHAO was employed as the Director of Marketing for PanTerra from  
28 approximately August 8, 2007, until July 2, 2009.

INFORMATION  
U.S. v. SHAO

4. PanTerra maintained an email system for its employees. Each employee was assigned an account that could be accessed only with a user name and password. The PanTerra email accounts were stored on computer servers located in San Jose, California, and connected to the Internet.

COUNT ONE: (18 U.S.C. § 1030(a)(2) – Computer Intrusion)

5. The factual allegations in paragraphs 1-4 are realleged as if set forth fully herein.

6. On or about March 8, 2010, within the Northern District of California and elsewhere, the defendant,

MING SHAO,

intentionally accessed a protected computer used in interstate and foreign commerce without authorization and exceeding authorized access, and thereby obtained information from a protected computer with the value of the information obtained exceeding \$5,000, and the offense being committed in furtherance of a criminal and tortious act in violation of laws of the United States and of California, specifically 18 U.S.C. § 1832 (Theft of Trade Secrets) and Cal. Civ. Code § 3426 et seq. (Uniform Trade Secrets Act); that is, defendant used the Internet to access an email account assigned to a PanTerra employee and thereby obtained confidential PanTerra information, including trade secrets, which defendant then disclosed to the public, all in violation of 18 U.S.C. Sections 1030(a)(2)(C) and (c)(2)(B)(ii) and (iii).

Dated: 10/12/10

MELINDA HAAG  
United States Attorney

  
MATTHEW A. PARRELLA  
Chief, CHIP Unit

(Approved as to form:   
AUSA MICHELLE J. KANE)

AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT  
☐ SUPERSEDING

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

**OFFENSE CHARGED**  
**FILED**

18 U.S.C. § 1030(a)(2)

OCT 12 2010

RICHARD E. BULLOCK  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ FelonyPENALTY: a. Maximum prison sentence: 5 years  
b. Maximum fine: \$250,000  
c. Maximum supervised release term: 3 years  
d. Special assessment: \$100

DEFENDANT - U.S.

MING SHAO

DISTRICT COURT NUMBER

**CR 10 00748****JF****DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1) ☐ If not detained give date any prior summons was served on above charges2) ☐ Is a Fugitive3) ☒ Is on Bail or Release from (show District)

NORTHERN DISTRICT OF CALIFORNIA

**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction☐ Federal ☐ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

FEDERAL BUREAU OF INVESTIGATION

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under10-70644  
PVT

Name and Office of Person Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

MICHELLE J. KANE

**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☒ NO PROCESS\* ☐ WARRANT

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

Bail Amount: \_\_\_\_\_

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_

Comments: